

EXHIBIT B

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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5)
6 UGOCHUKWO GOODLUCK NWAUZOR,)
et al.,)
7 Plaintiffs,) 3:17-cv-05769-RJB
8 v.) 3:17-cv-05806-RJB
9 THE GEO GROUP, INC.,) Tacoma, Washington
10 Defendant.) June 17, 2021
11) Jury Question
12 STATE OF WASHINGTON,) 9:00 a.m.
13 Plaintiff,)
14 v.)
15 THE GEO GROUP, INC.,)
16 Defendant.)

17 VERBATIM REPORT OF PROCEEDINGS
18 BEFORE THE HONORABLE ROBERT J. BRYAN
19 UNITED STATES DISTRICT JUDGE
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25 Proceedings stenographically reported and transcribed
With computer-aided technology

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MORNING SESSION

JUNE 17, 2021

(The following occurred outside the presence of the jury.)

THE COURT: Have you all had a chance to read the latest from the jury?

MS. MELL: Yes, Your Honor.

THE COURT: The appropriate thing for me to do in the face of this note is to ask the jury back into the courtroom with the typical questions when a jury might be hung, in part or wholly, and ask them if there is a reasonable possibility that they reach a verdict -- that they could reach a verdict within a reasonable time on either or both interrogatories submitted to the jury and hear their response, and then send them back to deliberate and we will discuss their response.

That's what I propose to do, unless someone has a comment.

MS. MELL: It would be GEO's position the jury has expressed, after two and a half days of deliberation, that it is, in fact, in conflict and cannot reach a decision, and the verdict should be -- the decision of the jury should be declared hung at this point, without further deliberation.

THE COURT: Well, it is premature in light of their indication that they are uncertain about reaching a conclusion, at least on one point. I think your suggestion is premature.

Any other comment?

1 THE CLERK: I will put them out into a different
2 room.

3 (The following occurred outside the presence of the jury.)

4 THE COURT: A lot of work down the tube. I am not
5 sure what you want to do about resetting. I would think it
6 would make sense to not do that rashly between now and the
7 resetting and think this through, find out from the jurors
8 what they thought. We can leave it up to a motion to reset
9 or whatever. I have in the past with cases much more simple
10 than this to say, okay, we will start Monday morning. I
11 don't think that makes sense in this case with the number of
12 witnesses and so forth and the planning that it takes.

13 Shall we leave it up to a motion to reset?

14 MS. CHIEN: The State of Washington still has a Phase
15 3 claim on the unjust enrichment claim, which we believe
16 should still proceed regardless of the verdict here. It is a
17 bench trial. It is not before a jury. Our position is we
18 should move forward on the unjust enrichment claim.

19 MS. MELL: GEO would oppose doing that or setting
20 that at this point. GEO needs an opportunity to digest this,
21 figure out where we are, communicate with our client, and see
22 where that leaves us with the various parties involved. It
23 is warranted, at least at this phase, to at least have a
24 conversation and figure it out.

25 THE COURT: The problem with that, Ms. Chien, is

1 after much work and sweat on the part of the Court and my
2 court staff, I determined that there was a fact question that
3 was presentable to a jury on the issue of whether the
4 detainees are, in fact, employees of GEO. That still has to
5 be answered. I don't know how we can have an unjust
6 enrichment case without the question being answered. There
7 is, I think, a right to a jury trial on that issue.

8 MS. CHIEN: Your Honor, I think our position has
9 always been that the minimum wage claim is separate and
10 distinct from the unjust enrichment claim and does not depend
11 on a finding the detainees are actually employees. I think
12 it is clear, and I think it makes sense to move forward with
13 the case as is, given the judge has just been able to hear
14 all the evidence presented and it is fresh in the Court's
15 mind that regardless of whether or not the detainees are
16 employees, that GEO has clearly been unjustly enriched by
17 relying on detainees to clean and work the kitchen on 90
18 percent of his facilities without paying them, if not the
19 minimum wage, a wage, a prevailing wage, and profited off
20 that labor. We believe that claim can move forward separate
21 from any finding on whether or not the detainees are
22 employees.

23 THE COURT: Ms. Chien, my reaction is negative to
24 your argument. I'll tell you this, I think what I am going
25 to do is to allow any post-trial motions that you want to